

REMARKS

The Office Action, mailed October 30, 2006, considered claims 1–9 and 23–40. Claims 1 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9 and 36 were rejected under 35 U.S.C. § 101 for purportedly being directed to non-statutory subject matter. Claims 1–9 and 23–40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krein et al., U.S. Patent No. 6,385,701 (filed Nov. 19, 1999) (hereinafter Krein), in view of Seejo Sebastine, *A Scalable Content Distribution Service for Dynamic Web Content*, University of Virginia, (June 15, 2001) (hereinafter Sebastine).¹

By this response, claims 1, 7, 9, 23, 36, 37 are amended such that claims 1–9 and 23–40 remain pending. Claims 1, 7, 23, and 37 are independent claims which remain at issue. Support for the amendments may be found within Specification pp. 14–17.²

The drawings were objected to because the Specification failed to mention Fig. 1, items 192 and 193. The Specification has been amended to appropriately reference the inadvertently omitted items. In view of these amendments, the objections to the drawings are now moot.

Claims 9 and 36 were rejected under 35 U.S.C. § 101 as being purportedly directed toward non-statutory subject matter. Although Applicants disagree, claims 9 and 36 have nonetheless been amended to recite a "computer readable *storage* medium" to cure the rejection of record in this regard.

As reflected in the claims, the present invention is generally directed towards embodiments for transparently enabling the reorganization and consolidation of computer storage.³ Claim 1 recites, for instance, in combination with all the elements of the claim, a file system for receiving a file access request with a path rewriter for prepending another server name to a legacy server name of a path of a file access request and a path redirector for resolving links to new storage locations which are encountered while traversing the path of the file access request. Claim 7 recites a server which contains the system recited in claim 1. Claim 23 recites a method in "steps" language substantially similar to the system recited in claim 1. Finally, claim 37 recites a system similar to that in claim 1, but recited with "means for" language.

The Examiner cited Krein in view of Sebastine in rejecting each of the independent claims under 35 U.S.C. § 103. Krein is directed generally toward sharing data between varied clients using token

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² It should be noted, however, that the invention is described and the claims supported by the entirety of the Specification, not any particular part.

³ See, generally, Specification.

management.⁴ Sebastine is directed generally toward a scalable content distribution service for dynamic web content.⁵

The Applicants submit that Krein and Sebastine, both separately and in combination, fail to teach or suggest each and every element of the independent claims as now recited. For instance, Krein and Sebastine fail to teach or suggest, among other things, a path rewriter for prepending a server name to a legacy server name within a path of a file access request, as claimed, for instance, in the recited claims in combination with the other recited claim elements. Instead, while Sebastine appears to teach *replacing* Internet Protocol (IP) host names within web HTTP requests, Sebastine clearly fails to teach or suggest *prepending* a server name to a legacy server name. Krein also fails to teach or suggest such an element.⁶ Furthermore, Sebastine teaches away from the present invention as it deals exclusively with web-based HTTP protocols and not general file system providers as does the present invention.⁷

As discussed above, because the cited prior art references fail to teach or suggest each and every element of the independent claims, a rejection under 35 U.S.C. § 103 would be improper.⁸ In view of the foregoing, the Applicants submit that rejection of the independent claims as now recited is not supported by the cited prior art and, accordingly, respectfully request the Examiner to withdraw the rejections. The Applicants submit that each of the independent claims is now in condition for allowance and respectfully request the Examiner to allow the claims.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

⁴ See, generally, Krein.

⁵ See, generally, Sebastine.

⁶ See Sebastine; see also Krein.

⁷ See Sebastine.

⁸ MPEP § 2143.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 30th day of January, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. D. Nydegger", written in a cursive style.

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